

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CARTER

ORIGINAL

UNITED STATES OF AMERICA

-v.-

EDWIN ARAUJO,
GUILLERMO ARAUJO,
MIGUEL ARAUJO,
a/k/a "Miggs,"
BRYAN ALTAGRACIA,
MARTIN AVALO,
ALVARADO DOMINGUEZ,
ALAN FELIZ,
JOSE GONZALEZ,
CHRISTIAN LORA,
ANDY MACCOW,
DAVID SANTIAGO,
ESFRAIN SILVA, and
CARLOS VALLEJO,
a/k/a "Yayo,"

Defendants.

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X

SEALED
INDICTMENT

13 Cr.

13 CRIM811

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: OCT 30 2013

COUNT ONE

(Conspiracy to Burglarize Pharmacies)

The Grand Jury charges:

1. From at least in or about 2010, up to and including on or about October 17, 2013, in the Southern District of New York and elsewhere, and while ESFRAIN SILVA, the defendant, was on release pursuant to an order of the United States District Court for the Southern District of New York, dated March 19, 2012, issued pursuant to Title 18, United States Code, Section 3142(c), EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, a/k/a

"Miggs," BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, ESFRAIN SILVA, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Section 2118(b) of Title 18, United States Code.

2. It was a part and an object of the conspiracy that EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, a/k/a "Miggs," BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, ESFRAIN SILVA, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, and others known and unknown, would and did, without authority, enter and attempt to enter and remain in the business premises and property of a person registered with the Drug Enforcement Administration under Section 302 of the Controlled Substances Act with the intent to steal materials and compounds containing quantities of controlled substances, the replacement cost of which to the registrant was \$500 and more and the person who engaged or intended to engage in such entry and attempted such entry and remained or intended to remain in such premises and property would and did use a facility in interstate commerce to facilitate such entry and attempt and to facilitate remaining in such premises or property.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, a/k/a "Miggs," BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, ESFRAIN SILVA, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. In or about 2011, EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, ALTAGRACIA, AVALO, DOMINGUEZ, FELIZ, GONZALEZ, LORA, MACCOW, SANTIAGO, SILVA and VALLEJO used cellphones in the vicinity of pharmacies during burglaries of those pharmacies.

b. In or about April 2012, while released on bail in connection with United States v. Silva, 12 Cr. 298 (TPG), SILVA used a cellphone in the vicinity of pharmacies during burglaries of those pharmacies.

(Title 18, United States Code, Sections 2118(d) and 3147.)

COUNT TWO

(Narcotics Conspiracy)

The Grand Jury further charges:

4. From at least in or about 2010, up to and including on or about October 17, 2013, in the Southern District of New York and elsewhere, EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO,

a/k/a "Miggs," BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

5. It was a part and an object of the conspiracy that EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, a/k/a "Miggs," BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

6. The controlled substances involved in the offense were quantities of various Schedule II controlled substances, including (i) oxycodone; (ii) amphetamine; (iii) morphine; (iv) hydromorphone; (v) methadone; and (vi) oxymorphone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

COUNT THREE

(Obstruction of Justice)

The Grand Jury further charges:

7. On or about May 19, 2012, in the Southern District of New York, EDWIN ARAUJO, JOSE GONZALEZ and ANDY MACCOW, the defendants, used physical force and the threat of physical force against a person, and attempted to do so, with the intent to cause and induce a person to withhold testimony from an official proceeding and to hinder, delay and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of Federal offenses, to wit, EDWIN ARAUJO, GONZALEZ and MACCOW physically assaulted another person to prevent that person from testifying and providing information to the FBI in connection with United States v. Silva, 12 Cr. 298 (TPG), pending in the United States District Court for the Southern District of New York, and from testifying before the Grand Jury or providing information to the FBI in connection with the investigation of the conspiracies charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1512(a)(2) and 2.)

FORFEITURE ALLEGATIONS

8. As a result of committing the conspiracy to burglarize pharmacies offense alleged in Count One of this Indictment, EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, a/k/a "Miggs,"

BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, ESFRAIN SILVA, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any property constituting, or derived from, proceeds traceable to such offense, including but not limited to:

a. a 2010 Bentley Continental GT / Speed convertible bearing VIN #SCBDO3ZA7AC062802;

b. a 2010 Mercedes-Benz ML63 AMG bearing VIN #4JGBB7HBXAA561332;

c. a 2008 BMW 750Li bearing VIN #WBAHN83518DT78937;

d. a 2010 Mercedes-Benz S63 AMG bearing VIN #WDDNG7HB3AA310953;

e. a 2005 Dodge Magnum RT bearing VIN #2D8GV582X5H649022;

f. a 2012 Honda Accord SE bearing VIN #1HGCP2F6XCA200321;

g. a 2013 Honda Accord LX bearing VIN #1HGCR2F30DA067523;

h. a 2005 Honda Odyssey Touring bearing VIN #5FNRL38875B072204;

i. a 2006 Honda Odyssey EX-L bearing VIN #5FNRL386X6B007735;

j. a 2012 Honda Odyssey Touring / Touring Elite bearing VIN #5FNRL5H98CB123629;

k. a 2006 Honda Odyssey EX-L bearing VIN #5FNRL38726B078243; and

l. a 2006 Honda Odyssey Touring bearing VIN #5FNRL38866B103184.

9. As a result of committing the conspiracy to violate the narcotics laws of the United States offense alleged in Count Two of this Indictment, EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, a/k/a "Miggs," BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a)(1), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense, including but not limited to:

a. a 2010 Bentley Continental GT / Speed convertible bearing VIN #SCBDO3ZA7AC062802;

b. a 2010 Mercedes-Benz ML63 AMG bearing VIN #4JGBB7HBXAA561332;

c. a 2008 BMW 750Li bearing VIN #WBAHN83518DT78937;

d. a 2010 Mercedes-Benz S63 AMG bearing VIN #WDDNG7HB3AA310953;

- e. a 2005 Dodge Magnum RT bearing VIN
#2D8GV582X5H649022;
- f. a 2012 Honda Accord SE bearing VIN
#1HGCP2F6XCA200321;
- g. a 2013 Honda Accord LX bearing VIN
#1HGCR2F30DA067523;
- h. a 2005 Honda Odyssey Touring bearing VIN
#5FNRL38875B072204;
- i. a 2006 Honda Odyssey EX-L bearing VIN
#5FNRL386X6B007735;
- j. a 2012 Honda Odyssey Touring / Touring Elite
bearing VIN #5FNRL5H98CB123629;
- k. a 2006 Honda Odyssey EX-L bearing VIN
#5FNRL38726B078243; and
- l. a 2006 Honda Odyssey Touring bearing VIN
#5FNRL38866B103184.

10. As a result of committing the conspiracy to violate the narcotics laws of the United States offense alleged in Count Two of this Indictment, EDWIN ARAUJO, GUILLERMO ARAUJO, MIGUEL ARAUJO, a/k/a "Miggs," BRYAN ALTAGRACIA, MARTIN AVALO, ALVARADO DOMINGUEZ, ALAN FELIZ, JOSE GONZALEZ, CHRISTIAN LORA, ANDY MACCOW, DAVID SANTIAGO, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a)(2), any property used, or intended to be used,

in any manner or part to commit or facilitate the commission of such offense, including but not limited to:

- a. a 2010 Bentley Continental GT / Speed convertible bearing VIN #SCBDO3ZA7AC062802;
- b. a 2010 Mercedes-Benz ML63 AMG bearing VIN #4JGBB7HBXAA561332;
- c. a 2008 BMW 750Li bearing VIN #WBAHN83518DT78937;
- d. a 2010 Mercedes-Benz S63 AMG bearing VIN #WDDNG7HB3AA310953;
- e. a 2005 Dodge Magnum RT bearing VIN #2D8GV582X5H649022;
- f. a 2012 Honda Accord SE bearing VIN #1HGCP2F6XCA200321;
- g. a 2013 Honda Accord LX bearing VIN #1HGCR2F30DA067523;
- h. a 2005 Honda Odyssey Touring bearing VIN #5FNRL38875B072204;
- i. a 2006 Honda Odyssey EX-L bearing VIN #5FNRL386X6B007735;
- j. a 2012 Honda Odyssey Touring / Touring Elite bearing VIN #5FNRL5H98CB123629;
- k. a 2006 Honda Odyssey EX-L bearing VIN #5FNRL38726B078243; and

1. a 2006 Honda Odyssey Touring bearing VIN
#5FNRL38866B103184.

Substitute Assets Provision

11. If any of the above-described forfeitable property, as
a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due
diligence;

b. has been transferred or sold to, or deposited
with, a third party;

c. has been placed beyond the jurisdiction of the
court;

d. has been substantially diminished in value; or

e. has been commingled with other property
which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C.
§ 853(p), to seek forfeiture of any other described forfeitable
property.

(Title 21, United States Code, Section 853.)


FOREPERSON


PREET BHARARA
UNITED STATES ATTORNEY

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SEALED INDICTMENT

13 Cr. ____

(18 U.S.C. §§ 2118, 3147, 1512(a)(2), 2, and 981;
21 U.S.C. §§ 846 and 853; 28 U.S.C. § 2461.)

PREET BHARARA

United States Attorney.

Filed Arrest warrants

10/17/13 Filed Sealed Indictment

Judge Netb-on